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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
MEDFORD DIVISION

ROBERT THORNLEY, personal
representative of the estate of **RICHARD
THORNLEY, JR.**,

Plaintiff,

v.

CIGNA CORPORATION, a Delaware
corporation, **LIFE INSURANCE COMPANY
OF NORTH AMERICA**, a Pennsylvania
corporation,

Defendants.

Case No. 1:17-cv-00563

Defendant Cigna Corporation and Life
Insurance Company of North America's
NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, 1446
(Diversity)

Jackson County Circuit Court Case
No. 17CV09639

TO: United States District Court for the District of Oregon, Medford Division; Clerk of the
Jackson County Circuit Court; and David B. Paradis and Jeremy J. Karns, Attorneys for
Plaintiff

PLEASE TAKE NOTICE that defendants Cigna Corporation ("Cigna") and Life
Insurance Company of North America ("LINA"), (collectively "Defendants") remove to this Court
the state action described below. Removal of this action is proper based on the following facts:

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1. On or about March 3, 2017, an action was commenced in Jackson County Circuit Court, captioned *Robert Thornley, personal representative of the estate of Richard Thornley v. Cigna Corporation, Life Insurance Company of North America*, Case No. 17CV09639 (the “State Court Action”).

2. This lawsuit arises out of conversion of a group life insurance policy to an individual life insurance policy. The Complaint alleges claims for breach of contract and estoppel, and seeks \$168,000 in economic damages.

3. Pursuant to 28 U.S.C. § 1446(a), copies of “all process, pleadings, and orders served upon” Defendants are attached as Exhibit 1.

DIVERSITY OF CITIZENSHIP

4. Diversity jurisdiction under 28 U.S.C. § 1332 exists because this action is between citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs.

5. Citizenship of Parties. The plaintiffs and the defendant are of completely diverse citizenships.

a. Richard Thornley, Jr., decedent, was a resident and citizen of either Oregon or South Carolina. (Compl. ¶ 1.) The personal representative is a resident and citizen of Oregon. (Compl. ¶ 1.)

b. Cigna is one of the defendants in this action. At all relevant times, defendant Cigna was a Delaware corporation with its principal place of business in Connecticut. Cigna is thus a citizen of the states of Delaware and Connecticut. 28 U.S.C. § 1332(c)(1).

c. LINA is one of the defendants in this action. At all relevant times, defendant LINA was a Pennsylvania corporation with its principal place of business in Pennsylvania. LINA is thus a citizen of the state of Pennsylvania. 28 U.S.C. § 1332(c)(1).

6. Amount in Controversy. According to the State Court Action, the amount in controversy exceeds \$75,000, exclusive of interest and costs, as more than that amount is alleged in the Complaint. 28 U.S.C. § 1446(c)(2).

PROCEDURAL REQUIREMENTS

7. Removal to Proper Court. Pursuant to 28 U.S.C. § 1446(a), removal is made to this Court as the district and division embracing the place where the State Court Action is pending (Jackson County, Oregon). Venue is proper in this district pursuant to 28 U.S.C. § 1391(a) and (c).

8. Removal is Proper and Timely. Defendants were served with the Summons and Complaint in this matter on March 10, 2017. Thus, this Notice of Removal is filed within 30 days after Extendicare's receipt of the initial pleading alleging a basis for removal as required by 28 U.S.C. § 1446(b)(1). It is less than one year after the commencement of the action, as required by 28 U.S.C. § 1446(c)(1). This action is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. § 1332(a) (diversity of citizenship). Thus removal is proper under 28 U.S.C. § 1441(a).

9. Pleadings and Process. Attached as Exhibit 1 is a copy of all process, pleadings, and orders concerning the State Court Action. *See* 28 U.S.C. § 1446(a).

10. Notice. A Notice to Adverse Party of Removal to Federal Court will be promptly served on plaintiff's counsel and a copy of the Notice of Removal will be filed with the Jackson County Circuit Court Clerk as required by 28 U.S.C. § 1446(d).

11. Signature. This Notice of Removal is signed pursuant to Fed. R. Civ. P. 11. *See* 28 U.S.C. § 1446(a).

12. Based upon the foregoing, this Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1332 and the claims may be removed to this Court under 28 U.S.C. §§ 1441 and 1446.

THEREFORE, this case should proceed in this Court as properly removed.

DATED: April 10, 2017

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By /s/ Bruce Hamlin
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